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AO 93 (Rev. 5/85) Search Warrant

ORIGINAL

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
JUN - 9 2005
AT _____ O'CLOCK
Lawrence K. Baerman, Clerk - Binghamton

United States District CourtNORTHERN

DISTRICT OF

NEW YORK

In the Matter of the Search of

premises located at _____, Cortland, New York, a single story residence, white in color with blue trim, with attached garage. The name Falso appears on a black colored mailbox located directly in front of the _____ residence.

SEARCH WARRANTCriminal No. 3:05-MT-201 (DEP)TO: Any Special Agents of the FBI and any Authorized Law Enforcement OfficerAffidavit having been made before me by SA James T. Lyons, Jr. who has reason to
Affiantbelieve that ☐ on the person of or ☒ on the premises known as

Cortland, New York, a single story residence, white in color with blue trim, with attached garage. The name Falso appears on a black colored mailbox located directly in front of the _____ residence.

in the NORTHERN District of NEW YORK there is now concealed a certain person or property, namely

SEE ATTACHMENT A

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before JUNE 10, 2005

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 A.M. to 10:00 P.M.) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to Hon. Thomas J. McAvoy as required by law.
Senior U.S. District Court Judge

June 1, 2005 @ 2:35 P.M. at _____
Date and Time Issued

Binghamton, New York
City and State

Senior U.S. District Court Judge
Name and Title of Judicial Officer

Thomas J. McAvoy
Signature of Judicial Officer

AO93 (Rev. 5/85) SEARCH WARRANT

RETURN

DATE WARRANT RECEIVED

6/1/2005

DATE AND TIME WARRANT EXECUTED

6/8/2005 10:12 A.M.

COPY OF WARRANT AND RECEIPT FOR
ITEMS LEFT WITH

DAVID JON FALSO

INVENTORY MADE IN THE PRESENCE OF

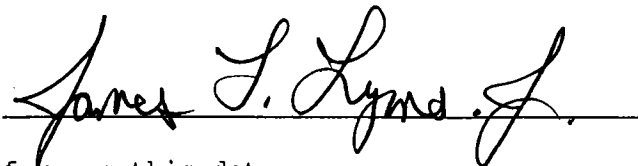
DAVID JON FALSO & SA T. KEVIN TALLEY

INVENTORY OF PERSONS OR PROPERTY TAKEN PURSUANT TO THE WARRANT

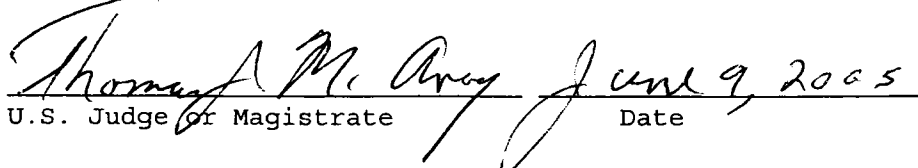
SEE ATTACHED INVENTORY LOG.

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.



Subscribed, sworn to, and returned before me this date.


U.S. Judge or Magistrate Date

**U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION**

Receipt for Property Received/Returned/Released/Seized

On (date) 6/8/05

At (time) 1:15 P.M.

(Name) DAVID JON FALSO

(Location) 20 Peaceful Drive, Cortland, New York

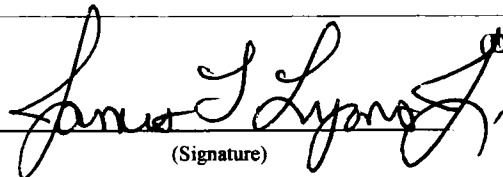
Item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

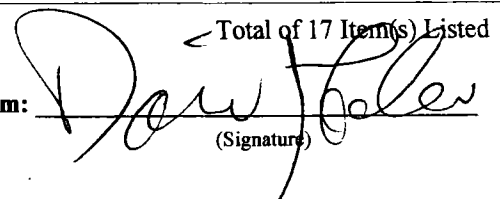
ITEM#	DESCRIPTION
1	Computer, no brand name, no serial numbers noted. Sticker on back says "QC Passed" with a line thru 2003 and 4. A silver minitower, with trays labeled DVD-ROM and CD-Writer. Also has a 3.5" disk drive. Silver on/off button. Computer face is silver with black trim. There is a windows logo sticker on the upper right front of face that says "Designed for Microsoft Windows XP"
2	One box containing printouts of pictures of child and adult pornography
3	Box containing photographs
4	Papers containing emails, faxes, maps, handwritten notes and photographs.
5	Four DVD+Rs labeled #1, #2, #3 and #4, respectively.
6	Book titled: Thailand - Lonely Planet Travel Survival
7	Priority mail envelope containing email printouts
8	Federal Express envelope containing printouts from online message boards
9	Four pages of printouts from www.worldsexguide.com/forum/showthread.php?t=8974 , hotel envelope and guest folio dated 02/07/04 of Mandarin Oriental Manilla, and handwritten notes with email address.
10	Four books
11	Video tape labeled "Mademoiselle Striptease"
12	S&W 38 special revolver, serial # BKF3751
13	Emails printouts, printouts of pictures of child pornography and handwritten notes.
14	Hand written log of sexual activity and handwritten notes.
15	Four passports: Passport #s 1) 152500793, 2) A2705659, 3) F739133, 4) 060637629
16	Teon DVD labeled "Sideways"
17	Letter from Devy Alburo of Davao City, Philippines to David Falso post marked May 27, 2005 containing a letter with three photographs

(END OF LIST)

Received by:


(Signature)

Received from:


(Signature)

Total of 17 Item(s) Listed

ATTACHMENT A

LIST OF ITEMS TO BE SEARCHED FOR AND SEIZED

This affidavit is in support of application for a warrant to search the premises known as _____, Cortland, New York, which is more specifically identified in the body of the application, including any computers, associated storage devices and/or other devices located therein that can be used to store information and/or connect to the Internet, for records and materials evidencing a violation of Title 18, United States Code, Sections 2252 and 2252A, which criminalizes, in part, the possession, receipt and transmission of child pornography (defined in 18 U.S.C. § 2256), as more specifically identified below:

1. Any and all tapes, cassettes, cartridges, streaming tape, commercial software and hardware, computer disks, disk drives, monitors, computer printers, modems, tape drives, disk application programs, data disks, system disk operating systems, magnetic media floppy disks, tape systems and hard drive, terminals (keyboards and display screens) and other computer related operation equipment, in addition to computer photographs, digital graphic file formats and/or photographs, slides or other visual depictions of such digital graphic file format equipment that may be, or are used to visually depict child pornography, child erotica, information pertaining to the sexual interest in child pornography, sexual activity with children or the distribution, possession, or receipt of child pornography, child erotica or information pertaining to an interest in child

pornography or child erotica.

2. Any and all computer software, including programs to run operating systems, applications (like word processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs.

3. Any computer-related documentation, which consists of written, recorded, printed or electronically stored material that explains or illustrates how to configure or use computer hardware, software or other related items.

4. Any and all records and materials, in any format and media (including, but not limited to, envelopes, letters, papers, e-mail, chat logs and electronic messages), pertaining to the possession, receipt or distribution of visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, including , but not limited to, evidence of the e-mails sent to and/or from "cousy1731" and "dfalsol".

5. In any format and media, all originals, copies and negatives of visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, or child erotica.

6. Any and all records and materials, in any format and media (including, but not limited to, envelopes, letters, papers, e-mail, chat logs and electronic messages) identifying persons transmitting through interstate or foreign commerce, including via computer, any visual depiction of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code,

Section 2256, or child erotica.

7. Any and all records and materials, in any format and media (including, but not limited to, envelopes, letters, papers, e-mail, chat logs, electronic messages, other digital data files and web cache information), bearing on the receipt, shipment or possession of visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256.

8. Records of communication (as might be found, for example, in digital data files) between individuals concerning the topic of child pornography, the existence of sites on the Internet that contain child pornography or who cater to those with an interest in child pornography, as well as evidence of membership in online clubs, groups, services, or other Internet sites that provide or make accessible child pornography to its members and constituents.

9. Evidence of association, by use, subscription or free membership, with online clubs, groups, services or other Internet sites that provide or otherwise make accessible child pornography.

10. Evidence of any online storage, e-mail or other remote computer storage subscription to include unique software of such subscription, user logs or archived data that show connection to such service, and user login and passwords for such service.

11. Records evidencing occupancy or ownership of the premises described above, including, but not limited to, utility and telephone bills, mail envelopes, or addressed correspondence.

12. Records, in any format or media, evidencing ownership or use of computer equipment and paraphernalia found in the residence to be searched, including, but not limited to, sales receipts, registration records, records of payment for Internet access, records of payment for access to newsgroups or other online subscription services, handwritten notes and handwritten notes in computer manuals.